IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1479 OF 2005

Manish P. Maru ...Petitioner

Versus

V.C.K. Forex Services Pvt. Ltd.
and others ...Respondents

.....

Mr. S.V. Marwadi i/b R.K. Associates, Advocate for Petitioner

Mr. Y.S. Shinde, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 27TH JUNE, 2005

P. C.:-

1. Heard the learned advocate for the petitioner and the learned A.P.P. for the State.

2. The petitioner has prayed for quashing of proceedings issued against him in Criminal Case No. 107/S/2004 which is pending in the Court of learned Metropolitan Magistrate, 23rd Court at Esplanade, Mumbai. In the said case, process has been issued against the petitioner under Section 138 r.w. 141 of Negotiable Instruments Act. If the process issued against the petitioner is set aside, the proceedings in respect of the petitioner would come to an end. The learned advocate for the petitioner submitted

that the learned Magistrate committed an error in issuing process and the said process deserves to be set aside.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in Criminal Application No.550 of 2005, the petitioner has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioner prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer revision before the concerned Sessions Court. Considering the facts and circumstances of this case, the trial Court shall not proceed with the case for a period of three weeks from today.

5. On the necessary revision being preferred by the petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Criminal writ petition is disposed of.

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